

Calendar No. 450

105TH CONGRESS
2^D SESSION

H. R. 434

[Report No. 105-236]

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Received

NOVEMBER 13, 1997

Read twice and referred to the Committee on Energy and Natural Resources

JULY 2, 1998

Reported under authority of the order of the Senate of June 26, 1998, by
Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

To provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LAND CONVEYANCE, CARSON NATIONAL FOR-**
2 **EST, NEW MEXICO.**

3 (a) **CONVEYANCE REQUIRED.**—The Secretary of Ag-
4 riculture shall convey through sale or exchange to the
5 County of Rio Arriba for the benefit of the village of El
6 Rito, New Mexico (in this section referred to as “El
7 Rito”), all right, title, and interest of the United States
8 in and to a parcel of real property, together with any im-
9 provements thereon, consisting of approximately 5 acres
10 located in the Carson National Forest in the State of New
11 Mexico.

12 (b) **DESCRIPTION OF PROPERTY.**—The exact acreage
13 and legal description of the real property conveyed under
14 subsection (a) shall be determined by a survey satisfactory
15 to the Secretary. The cost of the survey shall be borne
16 by the Forest Service.

17 (c) **LANDS ACQUIRED IN EXCHANGE FROM RIO**
18 **ARRIBA COUNTY.**—Except as provided in this Act, any ex-
19 change of lands under subsection (a) shall be processed
20 in accordance with the rules of the Secretary of Agri-
21 culture setting forth the procedures for conducting ex-
22 changes of National Forest System lands (36 CFR part
23 254). Any lands to be conveyed to the United States in
24 such an exchange shall be acceptable to the Secretary and
25 shall be subject to such valid existing rights or record as
26 may be acceptable to the Secretary. Title to such land

1 shall conform with the title approval standards applicable
2 to Federal land acquisitions.

3 (d) VALUATION AND APPRAISALS.—Values of any
4 lands exchanged pursuant to subsection (a) shall be equal
5 as determined by the Secretary. If, due to size, location,
6 or use of lands exchanged under subsection (a), the values
7 are not exactly equal, they shall be equalized by the pay-
8 ment of cash. The Secretary may accept cash equalization
9 payments in excess of 25 per centum of the total value
10 of the Federal lands exchanged. Value of any lands sold
11 to the County of Rio Arriba shall be on the basis of fair
12 market value as determined by the Secretary.

13 (e) DISPOSITION OF FUNDS.—Payments from a sale
14 under subsection (a) or cash equalization payments may
15 be made in equal installments for a period not to exceed
16 10 years. Any funds received by the Secretary through the
17 sale or by cash equalization shall be deposited into the
18 fund established by the Act of December 4, 1967 (16
19 U.S.C. 484a), known as the Sisk Act, and shall be avail-
20 able for expenditure, upon appropriation, for the acquisi-
21 tion of lands and interests in lands in the State of New
22 Mexico.

23 (f) STATUS OF LANDS.—Upon approval and accept-
24 ance of title by the Secretary, any lands acquired by the
25 United States pursuant to subsection (a) shall become

1 part of the Carson National Forest and the boundaries
 2 of the National Forest shall be adjusted to encompass
 3 such lands. Such lands shall be managed in accordance
 4 with the Act of March 1, 1911 (commonly known as the
 5 “Weeks Law”) (36 Stat. 961), and shall be administered
 6 by the Secretary of Agriculture in accordance with the
 7 laws and regulations pertaining to the National Forest
 8 System. This section shall not limit the Secretary’s au-
 9 thority to adjust the boundaries of the Carson National
 10 Forest pursuant to section 11 of the Act of March 1, 1911
 11 (“Weeks Act”). For the purposes of section 7 of the Land
 12 and Water Conservation Fund Act of 1965 (16 U.S.C.
 13 4601–9), the boundaries of the Carson National Forest,
 14 as adjusted by this Act, shall be considered to be bound-
 15 aries of the Forest as of January 1, 1965.

16 **SEC. 2. LAND CONVEYANCE, SANTA FE NATIONAL FOREST,**
 17 **NEW MEXICO.**

18 (a) **CONVEYANCE REQUIRED.**—The Secretary of Ag-
 19 riculture shall convey, through exchange, to the town of
 20 Jemez Springs, New Mexico (in this section referred to
 21 as “Jemez Springs”), all right, title, and interest of the
 22 United States in and to a parcel of real property, together
 23 with any improvements thereon, consisting of approxi-
 24 mately 1 acre located in the Santa Fe National Forest
 25 in the State of New Mexico.

1 (b) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the real property conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary. The cost of the survey shall be borne
5 by the Forest Service.

6 (c) LANDS ACQUIRED IN EXCHANGE FROM THE
7 TOWN OF JEMEZ SPRINGS.—Except as provided in this
8 Act, any exchange of lands under subsection (a) shall be
9 processed in accordance with the rules of the Secretary
10 of Agriculture setting forth the procedures for conducting
11 exchanges of National Forest System lands (36 CFR part
12 254). Any lands conveyed to the United States in such
13 an exchange shall be acceptable to the Secretary and shall
14 be subject to such valid existing rights or record as may
15 be acceptable to the Secretary. Title to such land shall
16 conform with the title approval standards applicable to
17 Federal land acquisitions.

18 (d) VALUATION AND APPRAISALS.—Values of any
19 lands to be exchanged pursuant to subsection (a) shall be
20 equal as determined by the Secretary. If, due to size, loca-
21 tion, or use of lands exchanged under section 1(a), the
22 values are not exactly equal, they shall be equalized by
23 the payment of cash. The Secretary may accept cash
24 equalization payments in excess of 25 per centum of the
25 total value of the involved Federal lands exchanged.

1 (e) ~~DISPOSITION OF FUNDS.~~—Payments for any cash
2 equalization for the exchange under subsection (a) may
3 be made in equal installments for a period of not to exceed
4 10 years. Any funds received by the Secretary through the
5 cash equalization shall be deposited into the fund estab-
6 lished by the Act of December 4, 1967 (16 U.S.C. 484a),
7 known as the Sisk Act, and shall be available for expendi-
8 ture, upon appropriation, for the acquisition of lands and
9 interests in lands in the State of New Mexico.

10 (f) ~~STATUS OF LANDS.~~—Upon approval and accept-
11 ance of title by the Secretary, any lands acquired by the
12 United States pursuant to subsection (a) shall become
13 part of the Santa Fe National Forest and the boundaries
14 of the National Forest shall be adjusted to encompass
15 such lands. Such lands shall be managed in accordance
16 with the Act of March 1, 1911 (commonly known as the
17 “Weeks Law”) (36 Stat. 961), and shall be administered
18 by the Secretary of Agriculture in accordance with the
19 laws and regulations pertaining to the National Forest
20 System. This section does not limit the Secretary’s author-
21 ity to adjust the boundaries of the Carson National Forest
22 pursuant to section 11 of the Act of March 1, 1911
23 (“Weeks Act”). For the purposes of section 7 of the Land
24 and Water Conservation Fund Act of 1965 (16 U.S.C.
25 4601–9), the boundaries of the Santa Fe National Forest,

1 as adjusted by this Act, shall be considered to be bound-
 2 aries of the Forest as of January 1, 1965.

3 **SECTION 1. LAND CONVEYANCE, SANTA FE NATIONAL FOR-**
 4 **EST, NEW MEXICO.**

5 (a) *CONVEYANCE OF PROPERTY.*—Within 60 days of
 6 enactment of this Act, the Secretary of Agriculture (herein
 7 “the Secretary”) shall convey to the town of Jemez Springs,
 8 New Mexico, subject to the terms and conditions under sub-
 9 section (c), all right, title, and interest of the United States
 10 in and to a parcel of real property (including any improve-
 11 ments on the land) consisting of approximately one acre
 12 located in the Santa Fe National Forest in Sandoval Coun-
 13 ty, New Mexico.

14 (b) *DESCRIPTION OF PROPERTY.*—The exact acreage
 15 and legal description of the real property conveyed under
 16 subsection (a) shall be determined by a survey satisfactory
 17 to the Secretary. The cost of the survey shall be borne by
 18 the town of Jemez Springs.

19 (c) *TERMS AND CONDITIONS.*—

20 (1) *Notwithstanding exceptions of application*
 21 *under the Recreation and Public Purposes Act (43*
 22 *U.S.C. 869(c)), consideration for the conveyance de-*
 23 *scribed in subsection (a) shall be—*

24 (A) *an amount that is consistent with the*
 25 *Bureau of Land Management special pricing*

1 *program for Governmental entities under the*
2 *Recreation and Public Purposes Act; and,*

3 *(B) an agreement between the Secretary*
4 *and the town of Jemez Springs indemnifying the*
5 *Government of the United States from all liabil-*
6 *ity of the Government that arises from the prop-*
7 *erty.*

8 *(2) The lands conveyed by this Act shall be used*
9 *for the purposes of construction and operation of a*
10 *fire substation. If such lands cease to be used for such*
11 *purposes, at the option of the United States, such*
12 *lands will revert to the United States.*

Passed the House of Representatives November 4,
1997.

Attest:

ROBIN H. CARLE,
Clerk.

Calendar No. 450

105TH CONGRESS
2^D Session

H. R. 434

[Report No. 105-236]

A BILL

To provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

JULY 2, 1998

Reported under authority of the order of the Senate of
June 26, 1998, with an amendment